IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 3RD JANUARY 2007 / 13TH PAUSHA 1928

WP(C).No. 34510 of 2006(G)

PETITIONER:

M. BHASKARAN, OVERSEER GRADE-1,
BLOCK DEVELOPMENT OFFICE, WANDOOR,
MALAPPURAM DISTRICT.

BY ADV. SRI.T.A.SHAJI
SRI.K.ANAND

RESPONDENTS:

---

1. THE CHIEF ENGINEER,
PWD ADMINISTRATION, THIRUVANANTHAPURAM.

2. THE CHIEF ENGINEER, LSGD,
THIRUVANANTHAPURAM.

3. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
PUBLIC WORKS DEPARTMENT,
THIRUVANANTHAPURAM.

BY GOVT. PLEADER MR. BIJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No.34510 OF 2006

Dated this the 3rd January, 2007.

JUDGMENT

Challenge is to Ext.P6 order passed by the Chief Engineer Public Works Department on 30.11.2006 rejecting the request of the petitioner to cancel the order of deployment issued as per Ext.P2. The petitioner has filed Ext.P4 representation before the Chief Engineer and having not received any reply had invoked the writ jurisdiction of this Court. Pursuant to the direction issued by this Court in Ext.P5 judgment, Ext.P6 has been passed. Counsel for the petitioner submits that there are exceptional grounds in favour of the petitioner to spare him from deployment and if those aspects were duly considered in the proper spirit, his name would not have found a place in Ext.P6.

2. As I do not find any violation of statutory provision or malafide excerise of power in issuing Ext.P6, it is not proper for this Court to interfere with Ext.P6 under Art.226 of the Constitution of India. However, the fact remains that Government which is at the helm of affairs has got the power to pass appropriate orders in relaxation of the general directions issued in the matter of deployment of staff to the Local Self Government Department in deserving cases. Counsel for the petitioner

submits that without prejudice to the right of the petitioner to approach the Government and seek appropriate orders, this writ petition may be disposed of.

2. In the circumstances I make it clear that the petitioner will be free to approach the Government seeking appropriate reliefs and if he does so within one week from the date of receipt of a copy of this judgment, his representation shall be considered by the third respondent-Government and appropriate orders passed as expeditiously as possible, in any event, within three weeks from the date of receipt of the representation. Writ petition is disposed of accordingly.

K.K.DENESAN
Judge

jj